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**DECLARATION**  
**and**  
**POWER OF ATTORNEY**

As below named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **EXERCISE MONITORING SYSTEM AND METHODS**, the specification of which

[ ] is attached hereto.

[ X ] was filed on November 9, 1999 as  
Application Serial No. 09/436,515  
and was amended on \_\_\_\_\_  
(if applicable)

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

We hereby claim U.S. provisional application or foreign priority benefits under Title 35, United States Code, §119 of any U.S. provisional applications or any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior U.S. Provisional or Foreign Application(s)			Priority Claimed	
Number	Country	Day/Month/Year Filed	Yes	No

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulation, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

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(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

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(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

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We hereby appoint Martin J. Miller, Registration No. 35,953; Holly D. Kozlowski, Registration No. 30,468; Ronald J. Snyder, Registration No. 31,062; James D. Liles, Registration No. 28,320; Lynda E. Roesch, Registration No. 29,696; Phillip A. Rotman II, Registration No. 38,290; Victor C. Moreno, Registration No. 40,732; Jackie A. Zurcher, Registration No. 42,251; John V. Harmeyer, Registration No. 41,815; Scott N. Barker, Registration No. 42,292; and Geoffrey L. Oberhaus, Registration No. 42,955, my attorneys, c/o Dinsmore & Shohl LLP, 1900 Chemed Center, 255 East Fifth Street, Cincinnati, Ohio 45202 (513) 977-8200, with full power in each of them, of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

We request that correspondence for this application be directed to Martin J. Miller, Esq. at Dinsmore & Shohl LLP, 1900 Chemed Center, 255 East Fifth Street, Cincinnati, Ohio 45202 (513) 977-8200.

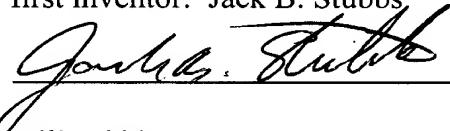
The undersigned hereby authorize the above-named U.S. attorneys to accept and follow instructions from **Paragon Solution, LLC** as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the undersigned and the aforesigned U.S. attorneys. In the event of a change in the firm or persons from whom instructions may be taken, the aforesigned U.S. attorneys will be so notified in writing by the undersigned.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of sole or first inventor: Jack B. Stubbs

Inventor's signature



2/17/03

Date

Residence: Waynesville, Ohio

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Full name of second inventor: Kevin L. Schwieger

Inventor's signature Kevin Schwieger Date 2/17/00

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